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United States of America
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18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20 UNITED STATES OF AMERICA,

21 Plaintiff,

22 vs.

23 LARRY NELSON,

24 Defendant.
25

) Case No: **'19CV1087 CAB WVG**

) **COMPLAINT**

) *Demand for Jury Trial*
26

27 The United States of America ("United States") alleges as follows:
28

1 1. The United States brings this action to enforce the provisions of Title
2 VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. §§ 3601, *et seq.* (“the
3 Fair Housing Act”).

4 **JURISDICTION AND VENUE**

5 2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331
6 and 1345, and 42 U.S.C. § 3614(a).

7 3. Venue is proper under 28 U.S.C. § 1391 because the events giving rise
8 to the United States’ claims occurred in this District and the Defendant does
9 business in this District.

10 **THE DEFENDANT AND RELEVANT PROPERTIES**

11 4. Defendant Larry Nelson (“Nelson”) is a resident of Spring Valley, an
12 unincorporated area in San Diego County, California. At all times relevant to this
13 action, Nelson has owned and operated multi-family residential rental properties in
14 Spring Valley, including the Grand Avenue Property and the Harness Street
15 Property described below. Nelson may own and operate, or have owned and
16 operated, other multi-family residential rental properties in this District.

17 5. The Grand Avenue Property is a four-unit residential property located
18 at 832 Grand Avenue in Spring Valley, California. At all times relevant to this
19 action, Nelson owned the Grand Avenue Property and operated it as rental housing.

20 6. The Harness Street Property is a four-unit residential property located at
21 9200 Harness Street in Spring Valley, California. At all times relevant to this action,
22 Nelson owned the Harness Street Property and operated it as rental housing.

23 7. At all times relevant to this action, Nelson controlled all aspects of the
24 rental, management, and operation of his residential rental properties, including the
25 Grand Avenue Property and the Harness Street Property. His responsibilities
26 included, but were not limited to, finding prospective tenants, accepting or rejecting
27 applicants for housing, setting rental rates and security deposits, collecting rent and
28 security deposits, receiving requests for maintenance and repairs, arranging

1 maintenance and repairs, communicating with tenants regarding late rental
2 payments, and evicting tenants.

3 8. The Grand Avenue Property and the Harness Street Property are
4 “dwellings” within the meaning of 42 U.S.C. § 3602(b).

5 **FACTUAL ALLEGATIONS**

6 9. Since at least 2005, Nelson has subjected tenants of his residential
7 rental properties, including the Grand Avenue Property and the Harness Street
8 Property, to unlawful sex discrimination, including severe, pervasive, and
9 unwelcome sexual harassment. Nelson’s conduct has included, but is not limited to:

- 10 a. Making unwelcome sexual advances to female tenants;
11 b. Making unwelcome, sexually explicit comments to, and in front of,
12 female tenants;
13 c. Asking or attempting to touch female tenants or touching female
14 tenants, including on intimate areas of their bodies, without their
15 consent;
16 d. Exposing his genitals to female tenants without their consent;
17 e. Peeping through bedroom windows of his female tenants;
18 f. Making unannounced visits to female tenants’ homes when he had
19 no legitimate reason to do so in order to conduct and further his
20 sexual advances;
21 g. Entering or attempting to enter female tenants’ homes without their
22 consent;
23 h. Demanding that female tenants not have male guests in their homes;
24 i. Offering to grant female tenants tangible benefits—such as
25 continued tenancy, waived or reduced rent, or excused late or unpaid
26 rent—in exchange for sexual favors; and
27
28

- 1 j. Retaliating against female tenants for refusing his advances by
2 taking adverse housing actions, such as evicting them or threatening
3 to evict them.

4 10. The instances of Nelson's sex discrimination as described above were
5 not isolated instances. Rather, Nelson engaged in a longstanding pattern or practice
6 of illegal sexual harassment of female tenants over the entire course of his
7 ownership and operation of his rental properties. For example:

- 8 a. To one female tenant who lived at the Harness Street Property in
9 2005, Nelson asked multiple times in explicit terms to engage in
10 sexual activity in exchange for forgiving or reducing her rent. The
11 tenant refused his demands. To the same tenant, Nelson made
12 multiple unwelcome comments about her breasts. He also peeped in
13 the bedroom windows of the rooms in her home on multiple
14 occasions where she and her female daughters and nieces slept; on
15 one of these occasions, he peeped in the windows while a minor
16 child was changing clothes and saw her nude.
- 17 b. To another female tenant who lived at the Grand Avenue Property in
18 2008, Nelson made repeated offers to exchange sexual favors for
19 rent. On multiple occasions, Nelson told the tenant that she could
20 pay approximately half her monthly rent if she had sex with him,
21 and that she did not have to pay anything if she had sex with him
22 without a condom. After the tenant had repeatedly refused Nelson's
23 requests, Nelson evicted her.
- 24 c. To another female tenant who lived at the Harness Street Property in
25 2018, Nelson showed a pornographic video without her consent;
26 exposed his genitals to her without her consent; made frequent,
27 unwanted, sexually suggestive comments; made comments
28 indicating he had gone through her laundry looking for her

underwear; and peeped through the bedroom window in her apartment.

CAUSES OF ACTION

11. The allegations above are incorporated herein by reference.
12. By his conduct, described above, Defendant Larry Nelson has:
 - a. Refused to rent or to negotiate for the rental of, or otherwise made unavailable or denied a dwelling because of sex, in violation of 42 U.S.C. § 3604(a);
 - b. Discriminated in the terms, conditions, or privileges of the rental of a dwelling, or in the provisions of services or facilities in connection therewith, because of sex, in violation of 42 U.S.C. § 3604(b);
 - c. Made statements with respect to the rental of a dwelling that indicate a preference, limitation, or discrimination based on sex, or an intention to make any such preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c); and
 - d. Coerced, intimidated, threatened, or interfered with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights granted or protected by the Fair Housing Act, in violation of 42 U.S.C. § 3617.
13. Defendant Larry Nelson's conduct and actions described above constitute:
 - a. A pattern or practice of resistance to the full enjoyment of the rights granted by the Fair Housing Act, in violation of 42 U.S.C. § 3614(a); and
 - b. A denial to a group of persons of rights granted by the Fair Housing Act, which denial raises an issue of general public importance, in violation of 42 U.S.C. § 3614(a).

the future, and to eliminate, to the extent practicable, the effects of the Defendant's unlawful housing practices;

3. Awards monetary damages to each aggrieved person, pursuant to 42 U.S.C. § 3614(d)(1)(B); and

4. Assesses a civil penalty against Defendant Larry Nelson to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(C).

The United States further requests such additional relief as the interests of justice may require.

Dated: June 11, 2019

Respectfully submitted,

WILLIAM P. BARR
Attorney General

ROBERT S. BREWER, JR.
United States Attorney

ERIC S. DREIBAND
Assistant Attorney General
Civil Rights Division

/s/ Leslie M. Gardner
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SAMEENA SHINA MAJEED, Chief
R. TAMAR HAGLER, Deputy Chief

/s/ Aurora Bryant
AURORA BRYANT
Trial Attorney
DYLAN NICOLE de KERVOR
Attorney Advisor

Attorneys for Plaintiff
United States of America

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Leslie M. Gardner, Aurora Bryant & Dylan de Kervor, United States
Dept. of Justice, 880 Front St. Ste. 6293, San Diego CA 92101,
619-546-7603

DEFENDANTS

Larry Nelson

County of Residence of First Listed Defendant San Diego
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

'19CV1087 CAB WVG**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Fair Housing Act, 42 U.S.C. 3601 et seq.

Brief description of cause:
Housing discrimination

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

06/11/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Leslie M. Gardner

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____